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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,089	12/02/2003	David Byrne Reese	GCENP003	6003
22434	7590	11/28/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			ZHONG, CHAD	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	

2152

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/727,089

Applicant(s)

REESE ET AL.

Examiner

Chad Zhong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **FINAL ACTION**

1. This action is responsive to communications: Amendment, filed on 09/30/2005, this action has been made final.
2. Claims 1-51 are presented for examination. In amendment B, filed on 09/30/2005, claims 1, 19, 34, 17, 40, 42-43, 46-47, and 49-51 are currently amended.

#### ***Claim Rejections - 35 USC § 112, second paragraph***

3. Claim 1 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The claim language in the following claims is not clearly understood, rendering the claims indefinite:

As per claim 1, line 3, it is not clearly understood whether "a message interchange network" refers to "a message interchange network" in claim 1, lines 1-2 (i.e. if they are the same, the word such as "said" or "the" must be used);

- b. The following lacks antecedent basis:

Claim 5, line 3; Claim 23, line 3 and Claim 38, line 3 – the second device

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-8, 10-17, 19-32, 34-41, and 43-50 are rejected under 35 U.S.C. 102(e) as being

anticipated by Abendroth, US 2002-0087371.

6. As per claim 1, Abendroth teaches a method for provisioning services within a message interchange network, the method comprising:

providing a message interchange network (Fig 1, item 11) having a plurality of services (Fig 1, item 12 and 13) associated therewith, each of which are accessible by others of the plurality of services (Shipper can access carrier information and vice-versa through coordination of database 14, [0066]), each service representing one or more computer applications on one or more computing devices accessible to other computer devices through the message interchange network (Fig 1, item 12 and 13), the message interchange network being a hosted network overlaying a public network (Fig 1, item 11) and operable to mediate messages sent between the services (Fig 1, item 11; [0066], wherein the messages are being exchanged between shippers/database/carriers) so that each service receives messages in a format specified by the respective service, without the senders of the message being aware of the specified format ([0010]; [0014], security format; [0073], [0095], RFB format).

receiving an offer pertaining to a service (request to bid, RFB, [0066]), the offer being created by a provider of the service to which the offer pertains (shipper offers the carriers to bid for shipper's services [0066]), and being transmitted from a first device to a service manager within the message interchange network ([0066], offer is the request for bid, said request is sent to central manager, Fig 1, item 10), the service manager being operable to track information pertaining to the offer ([0066], tracking the 'best 7' bids by the central processing system) and to invitees that are invited to access the service of the offer (best 7 include invitee/carrier information, [0066]; Fig 6), and to setup permissions between an invitee and the service if the invitee accepts the offer ([0066], shipper and carrier information is revealed and corresponding information is exchanged through the central processing system);

receiving identifying information regarding one or more invitees to be invited to access the service of the offer, the one or more invitees being transmitted from the first device to the service manager ([0065],

population information to the database 14); and

in response to receipt of the offer and the identifying information regarding the one or more invitees, providing by the service manager an invitation to each of the one or more invitees to access the service of the offer through the message interchange network and based on the received identifying information (ITB, invitation to bid, [0066]).

7. As per claim 2, Abendroth teaches the invitation is provided in the form of an email ([0001]).

8. As per claim 3, Abendroth teaches the invitation is provided in the form of a message ([0001]) or an FTP (file transfer protocol) drop.

9. As per claim 4, Abendroth teaches providing a unique URL address (Uniform Resource Locator) for each one or more invitees; and

providing the corresponding URL address in the each invitation to each invitee, wherein the URL address points to one or more web pages which allows the each invitee to register identifying information and accept terms for the offer ([0066], submit a bid, wherein the recipient has the option of responding and posting via the central processing system, URL here is inherent, as the system runs on a web services based architecture, each webpages are identified using an URL, Fig 5. Abendroth message system is a web service and this service is done through a series of URL links).

10. As per claim 5, Abendroth teaches the unique URL address is provided to the provider ([0066], invite the carriers to place a bid with the shipper) by a provisioning service implemented on the second device (central processing system, [0066]), and wherein the provider sends the each invitation to each of the one or more invitees ([0066], central processing system will send carriers the ITB messages).

11. As per claim 6, claim 6 is rejected for the same reasons as rejection to claim 5 above.

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12. As per claim 7, Abendroth teaches storing the offer and its associated one or more invitees ([0066], shipper receives responses corresponding to their offer through their bulletin board).

13. As per claim 8, Abendroth teaches the offer and its associated one or more invitees are only stored when the provider is authorized to create the offer, and wherein the invitation is only provided to the one or more each invitees when the provider is authorized to create the offer ([0020], wherein the authorization takes place prior to creation of an event).

14. As per claim 10, Abendroth teaches presenting a registration input form to a first invitee of the one or more invitees for the offer when the first invitee accesses the invitation ([0066], the carriers are presented with an interface and the bid is submitted to the central processing system).

15. As per claim 11 Abendroth teaches the identifying information received for the first invitee is pre-filled into the presented registration form ([0065]).

16. As per claim 12, Abendroth teaches the invitation to the each one or more invitees further allows the each one or more invitees to accept the invitation ([0066], [0074], carriers has certain time limit to submit the bid).

17. As per claim 13, Abendroth teaches presenting an acceptance link to the first invitee when the invitee submits the registration form with identifying information ([0065-0066]).

18. As per claim 14, Abendroth teaches setting up permissions between the first invitee and the service when the first invite registers and accepts the offer ([0066], the carrier accepts the offer, the actual contact information is revealed).

19. As per claim 15, Abendroth teaches permissions are not setup when the first invitee is not

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authorized to accept the offer ([0020]).

20. As per claim 16, Abendroth teaches when the first invitee accepts the first offer, storing an indicator that the first invitee accepted the offer and the date of such acceptance ([0074]);

when the first invitee does not accept the offer, storing an indicator that the first invitee did not accept the offer ([0074]);

when the first invitee registers, storing an indicator regarding the registration and the date of such registration ([0074]), and

when the first invitee does not register, storing an indicator that the first invitee did not register ([0074]).

21. As per claim 17, Abendroth teaches providing the indicator regarding the acceptance, the date of acceptance by the first invitee, and the indicator regarding registration to the provider when the provider queries regarding the first invitee or the offer ([0074]; [0066], wherein the shipper can view a history of report 21).

22. As per claim 19-32, the claims are rejected for the same reasons as rejection to claims 1-5, 7, and 10-17 above respectively.

23. As per claims 34-41 and 43-50, the claims are rejected for the same reasons as rejection to claims 1-8 and 10-17 above respectively.

***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 9, 18, 33, 42 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abendroth, US 2002-0087371, in view of what was well known in the art.

26. As per claim 9, Abendroth does not explicitly teach sending an error message to the provider when the provider is not authorized to create the offer, Official Notice is taken (see MPEP 2144.03) a notion of using error message was well known and routinely used for notification purposes at the time of the invention was made. It would have been obvious to one of ordinary skill in the art to use error message for the purpose of notifying whether the provider or the user otherwise having no authorization to create the offer or the like with Abendroth because it would provide for notification for the provider to improve the capability of the system. Further, it would provide for better user interaction and convenience by informing the user when access has been denied.

27. As per claim 42, claim 42 is rejected for the same reasons as rejection to claim 9 above.

28. As per claim 18, Abendroth teaches presenting an option link in the invitation page, wherein the option can be accessed by invitees which have already registered (Fig 4, item 57; Fig 7, links on the left hand side of the webpage);

presenting the acceptance link to the first invitee when the invitee selects the option link and the first invitee is already registered (Fig 4, item 58; Fig 7, links on the left hand of the page);

presenting an acceptance link to the first invitee when the invitee submits the registration form with identifying information (Fig 4, item 58; Fig 7, links on the left hand of the page).

29. As per claims 33 and 51, the claims are rejected for the same reasons as rejection to claim



18 above.

*Conclusion*

30. Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection as necessitated by Applicant's amendment.

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Apparatus And Methods For Provisioning Services".

- |      |            |                |
|------|------------|----------------|
| i.   | US 6529489 | Kikuchi et al. |
| ii.  | US 5255389 | Wang           |
| iii. | US 5333312 | Wang           |
| iv.  | US 6091714 | Sensel et al.  |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

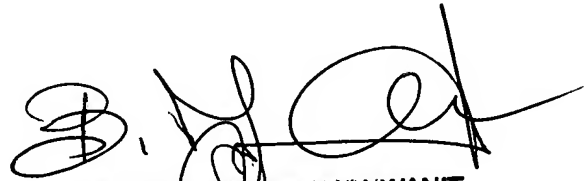
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ

October 18, 2005



**BUNJOB JAOENCHONWANIT**  
**PRIMARY EXAMINER**